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## U.S. CIVIL SERVICE COMMISSION

OFFICE OF THE CHAIRMAN

WASHINGTON, D.C. 20415

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November 18, 1965

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 Per  
 Main Mail Room  
 General Counsel

On the basis of a comprehensive review of the Federal employee security program under Executive Order 10450, the President has directed that certain changes be made in the program. These changes, outlined below, will enable us to --

- Carry out more effectively and equitably the operations of the Government's personnel investigative and security programs within the framework of Executive Order 10450;
- Promote greater uniformity in providing safeguards for the rights of individuals with due regard for the interests of the Government; and
- Facilitate the reciprocal use of security clearances among agencies.

## Designation of Sensitive Positions

Each department and agency as a minimum shall classify as "sensitive" all positions whose incumbents have access to classified defense information described in Executive Order 10501, i.e., "CONFIDENTIAL," "SECRET," AND "TOP SECRET."

For the purpose of conducting investigations under the program, sensitive positions shall be divided into two categories, critical-sensitive and noncritical-sensitive, as is now done by the Department of Defense, which has approximately 80 percent of all sensitive civilian positions in the Executive Branch. The criteria to be applied by the head of the department or agency in designating a position as critical-sensitive shall be as follows:

Any position the duties of which include:

- (1) Access to TOP SECRET defense information;

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- (2) Development or approval of war plans, plans or particulars of future or major or special operations of war, or critical and extremely important items of war;
- (3) Development or approval of plans, policies or programs which affect the overall operations of a department or agency, i.e., policy-making or policy-determining positions;
- (4) Investigative duties, the issuance of personnel security clearances, or duty on personnel security boards; or
- (5) Fiduciary, public contact, or other duties demanding the highest degree of public trust.

Other sensitive positions which do not fall within the above criteria shall be designated as noncritical-sensitive.

Full field investigations shall be conducted on all persons being considered for critical-sensitive positions. They should be conducted on a preappointment basis and the information developed by the investigation should be considered in the personnel selection process. When not feasible in case of emergency, the requirement for completion of a full field investigation prior to appointment may be waived as provided in Section 3(b) of Executive Order 10450. In the event that such a waiver has been obtained, the investigation shall be initiated as soon as possible and not later than three work days after the individual's entrance on duty.

Persons should not ordinarily be assigned to noncritical-sensitive positions until after completion of the national agency checks.

A national agency check and inquiry as described in Section 3(a) of Executive Order 10450 shall be the minimum investigation for a person employed in a noncritical-sensitive position. However, this shall not be construed to preclude the head of a department or agency from initiating a full field investigation on any employee when he considers such action appropriate.

#### Reinvestigations

The incumbent of each critical-sensitive position shall be required, five years after his appointment, and at least once each succeeding five years, to submit an updated personnel security questionnaire to the appropriate security officer in his department or agency, and the head of the department or agency shall direct a review of the personnel security questionnaire, together with the personnel file of the incumbent, previous reports of investigation concerning him, and any other appropriate documents. A determination shall then be made regarding what further action, if any, is appropriate--for example, a check of local police and credit records, a national agency check, or an updated full field investigation.

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Safeguarding the Rights of Applicants  
and Employees

A person being considered for a sensitive position should, whenever appropriate, have an opportunity to explain or refute derogatory security information developed in an investigation before being rejected or nonselected on security grounds. This practice prevents errors which might otherwise result from mistakes in identity or mitigating circumstances which are unknown to the prospective employing agency.

Before issuing a letter of charges under Executive Order 10450, the Department of Justice shall be consulted to assure that the rights of employees are fully considered. That Department is in the best position to advise agencies whether the proposed charges are fully supported, and the extent to which confrontation and cross-examination of witnesses will be required.

The Department of Justice has taken the position, in view of court decisions, that it is improper to furnish security hearing boards or the heads of agencies with investigative information not made available to the employee whose removal is sought under Executive Order 10450.

Within 90 days from the date of this memorandum, each agency in consultation with its General Counsel shall review its regulations and revise them to make them consistent with the instructions in this letter.

Any questions concerning this letter or the procedures outlined herein may be directed to me or to Mr. Kimbell Johnson, Director, Bureau of Personnel Investigations.

Sincerely yours,

*John W. Macy, Jr.*  
John W. Macy, Jr.  
Chairman